

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. CR14-5246BHS
)	
vs.)	
)	ORDER ON DEFENDANT'S
ROGELIO RAMIREZ-HERRERA,)	MOTION TO CONTINUE
)	PRETRIAL MOTIONS CUTOFF,
Defendant.)	PRETRIAL CONFERENCE
)	AND TRIAL DATE

Before this court is a motion to continue the pretrial motions cutoff, the pretrial conference presently set for September 29, 2014 and the trial date presently scheduled for October 7, 2014.

Counsel for the Defendant was appointed on September 3, 2014, has not yet had the chance to review the discovery or to meet with Mr. Ramirez-Herrera. Additionally, a continuance is also requested as counsel for the Defendant has a trial due to commence before this honorable Court on September 23, 2014, which trial should last approximately one week. Further, counsel is preparing for a two count murder trial in Mason County Superior Court, which is due to commence on October 14, 2014, and expected to last four to six weeks. Therefore, counsel needs additional time to discuss the case with Mr. Ramirez-Herrera and to effectively prepare for trial.

Mr. Ramirez-Herrera, Ms. Richardson and Mr. Meza-Orozco were present in court and represented by counsel when counsel for Mr. Ramirez-Herrera made an oral motion to continue the trial date and they did not object to the motion. Additionally, all three Defendants have filed appropriate speedy trial waivers and AUSA Gregory Gruber is aware of this motion and has no objection to this request.

1 The court finds, after a consideration of all relevant information (including
2 the affidavit filed by Brett A. Purtzer in support of the motion for a continuance) and the
3 circumstances of this case, that without this continuance the Defendant will be prejudiced
4 and the ability to properly prepare for trial would be impaired. Failure to grant a
5 continuance under these circumstances would result in a miscarriage of justice. The ends
6 of justice would best be served by the granting of the motion for continuance to ensure
7 continuity of counsel and adequate trial preparation. The ends of justice outweigh the
8 best interests of the public and the Defendant in having the matter brought to trial sooner.

9 For these reasons, the court finds the Defendant's motion for continuance
10 should be granted.

11 Pretrial motions are due by December 30, 2014; Pretrial Conference is set
12 for February 2, 2015 at 11:00 a.m.; Jury trial is set for February 10, 2015 at 9:00 a.m. in
13 Tacoma, Washington.

14 The period of delay resulting from this continuance from the current trial
15 date of October 7, 2014 to the new trial date of February 10, 2015, is hereby excluded for
16 speedy trial purposes under 18 U.S.C. 3161(h)(8)(A) and (B) for purposes of computing
17 the time limitations imposed by the Speedy Trial Act, 18 U.S.C. § 3161-3174.

18 Dated this 2nd day of October, 2014.

19 

20 BENJAMIN H. SETTLE
21 United States District Judge

22 Presented by:

23 HESTER LAW GROUP, INC., P.S.
24 Attorneys for Defendant

25 By: /s/ Brett A. Purtzer
Brett A. Purtzer
WSB #17283